



Ground Water Resources Commission Meeting

Thursday, March 5, 2009

Duties of the Commission

1. Review and approve or reject challenged orders placing restrictions on water wells issued by the Commissioner of Conservation - **No orders challenged**
2. Review and comment on rules and regulations proposed by the Commissioner of Conservation – **Opportunity for review and comment provided**
3. Develop a statewide ground water resource management program. The commission must also hold public hearings and consult with local governmental entities in the development of the program - **Ongoing**
4. Review the contingency plan developed by the Commissioner of Conservation to respond to a ground water emergency – **Emergencies currently managed thru rules and orders**
5. Direct the Commissioner of Conservation to promulgate rules and regulations for the appointment or designation of up to five regional bodies based on the general location of major aquifer systems and water sources of the state to be composed of local stakeholders who are representative of current users – **In development by direction of the commission**
6. Attend all public meetings called by the Commissioner of Conservation - **Ongoing**



Duties of the Commissioner

1. Require registration of all new water wells by water well owners – **Ongoing**
2. Review the well information submitted with the notices of intent within thirty days of their receipt and upon review the Commissioner may either issue an order to the owner placing restrictions on the well or requesting additional information or allow the well to be drilled as proposed – **Ongoing**
3. Determine areas of ground water concern and designate critical areas of ground water concern in accordance with R.S. 38:3097.6 – **Order No. AGC-1-05 issued**
4. Collect data with respect to water wells and water resources - **Ongoing**
5. Continue development of a statewide ground water resources management program – **Ongoing**
6. Develop a contingency plan to respond to a ground water emergency that gives ground water needed for human consumption the highest priority – **Emergencies currently managed thru rules and orders**
7. Authorize the use of drought relief wells for agricultural use in times of drought upon a determination that sufficient water resources are otherwise not available - **Authorized**
8. Enter into interagency agreements and interstate compacts in order to manage ground water resources – **Agreements with multiple agencies for data sharing**
9. Enforce the Louisiana Ground Water Management Law thru issuance of compliance orders and civil penalties - **Ongoing**



Commissioner's Report

1. Report Objective:

To provide the Ground Water Resources Commission with current vital statistics on the Office of Conservation's oversight of ground water use in Louisiana.

2. Contents:

- a. Ground Water Resources Program Performance Indicator
- b. DNR Water Well Registration Statistics
- c. Sparta AGC Water Use Statistics
- d. Enforcement Activity

3. Status:

Anticipated Completion – April 2009



Enforcement Activity

ENROLLED
ACT No. 581

Regular Session, 2008
HOUSE BILL NO. 376
BY REPRESENTATIVES DOVE AND ST. GERMAIN

AN ACT

To enact R.S. 38:3097.3(E), relative to ground water management; to provide for compliance orders; to provide for civil penalties and fines for violations of laws, regulations, and orders relating to ground water management; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:3097.3(E) is hereby enacted to read as follows:

§3097.3. Commissioner of conservation; powers and duties

* * *

E.(1) The commissioner, upon determining that a violation of this Chapter or the regulations adopted hereunder has occurred, may impose a civil penalty as provided in this Chapter. Additionally, upon determining that a violation of this Chapter or the rules and regulations made pursuant to this Chapter has occurred, the commissioner may issue an order requiring compliance. Any such order shall state, with reasonable specificity, the nature of the violation, any cessation of activities or affirmative operations required to achieve compliance, and a time limit within which compliance with the order must be achieved. Noncompliance with any such order to comply shall constitute a violation of this Chapter, and the commissioner may impose a civil penalty for such violation. Any person subjected to a civil penalty shall have the right to a public hearing if requested in writing, which written request shall suspend the imposition of penalty until final action is taken by the commissioner.

(2) The commissioner is hereby authorized to assess civil penalties for each day of violation of the provisions of this Chapter as follows:

Page 1 of 3

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

ACT 581 of 2008 Legislative Session

1. Effective August 15, 2008
2. Commissioner's Authority
 - a. Issue Compliance Orders
 - b. Assess Civil Penalties
3. Implementation
 - a. Compliance Audits
 - b. Water Well Notification Review
 - c. Complaint Investigation



Compliance Audits



BOBBY JINDAL
GOVERNOR

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF CONSERVATION

SCOTT A. ANGELLE
SECRETARY
JAMES H. WELSH
COMMISSIONER OF CONSERVATION

August 28, 2008

Andy Widmer
Chesapeake Operating, Inc. (C084)
3365 Sligo Road
Bossier City, LA 71037

RE: August 1, 2008 Water Well Notification Submittal
Ground Water Resources Well Number 09-0158
Drilling Rig Supply Well

*****NOTICE OF VIOLATION*****

Dear Mr. Widmer:

This Notice of Violation is issued under the general authority of the Ground Water Resources Management Law, LSA-R.S. 38:3097.1 et seq. and under the specific authority set forth in Section 3097.3(E) thereof.

Based on the reported well completion data received from the referenced well notification submittal, it has been determined that Chesapeake Operating, Inc. (Chesapeake) has violated Conservation Law and the regulations thereunder, specifically LAC 43:VI.Subpart 1, Chapters 1-7, in the following particular:

Failure to submit a completed water well notification form to the Office of Conservation no later than 60 days after installation of the referenced water well, in violation of LAC 43:VI.701.C.3.

Accordingly, Chesapeake is hereby required to comply with the following:

1. Implement a company policy or procedure to prevent recurrence of this violation.
2. Advise immediately and in writing the Office of Conservation of the requirements of LAC 43:VI.Subpart 1, Chapters 1-7 cited herein to prevent future noncompliance.

Environmental Division

Post Office Box 94275 • Baton Rouge, Louisiana 70804-9275 • 617 North 3rd Street • 9th Floor • Baton Rouge, Louisiana 70802
Phone (225) 342-8244 • Fax (225) 242-3505 • www.dnr.state.la.us/conservation



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State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF CONSERVATION

SCOTT A. ANGELLE
SECRETARY
JAMES H. WELSH
COMMISSIONER OF CONSERVATION

September 18, 2008

Andy Widmer
Chesapeake Operating, Inc. (C084)
3365 Sligo Road
Bossier City, LA 71037

RE: August 7, 2008 Water Well Notification Submittals
Ground Water Resources Well Numbers 09-0151 – 09-0157
Frac Water Supply Wells
Caddo Parish

*****COMPLIANCE ORDER NO. ENV 2008 – GW001*****

Dear Mr. Widmer:

This Compliance Order is issued under the general authority of the Ground Water Resources Management Law, LSA-R.S. 38:3097.1 et seq. and under the specific authority set forth in Section 3097.3(E) thereof.

FINDINGS OF FACT

The referenced water well completion data received from the referenced well notification submittal, it has been determined that Chesapeake Operating, Inc. (Chesapeake) has violated Conservation Law and the regulations thereunder, specifically LAC 43:VI.Subpart 1, Chapters 1-7, in the following particular:

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**157 Compliance Orders and
36 Notices of Violation were issued
to various water well owners for
failure to comply with Office of
Conservation regulations or order of
the Commissioner.**



Compliance Audits Enforcement Actions

1. Sparta Aquifer AGCs
 - a. DNR Well Registration Violations
 - **24 Notices of Violation Issued**
 - b. Monthly Water Use Reporting Violations
 - **65 Compliance Orders Issued**
 - 120 Water Wells

2. Haynesville Shale Natural Gas Producers
 - a. Ongoing Weekly Operations Activity Update
 - **12 Notices of Violation**
 - **15 Compliance Orders Issued**

3. Carrizo – Wilcox / Haynesville Shale Area
 - a. Caddo, Bossier, DeSoto & Red River Parishes
 - b. Caddo Parish
 - **77 Compliance Orders Issued**
 - 362 Unregistered Water Wells
 - c. Other Parishes Near Complete



Water Well Notification Review / Complaint Investigation Enforcement Actions



Louisiana Office of Conservation
Environmental Division
Ground Water Resources (GWR)
Water Well Notification

OFFICE OF CONSERVATION USE	
GWR ID:	
AGC ORDER #:	
Review Date:	By:

PLEASE PRINT

1. WELL INSTALLATION NOTIFICATION TYPE (Choose A, B, C, or D)

A. 60 Days Prior to Well Installation Notification Well Use:

B. Information Change from earlier form: GWR ID NO.

C. Cancel Existing Notification GWR ID NO.

D. 60 Days Post Well Installation (Identify Well Type)

1) Drilling Rig Supply Oil or Gas Well Serial No.:
(If none, attach location description.)

2) Drought Relief
Drought Relief Emergency Order No.:

3) Replacement Well GWR ID NO.:
DOTD Well No.:

The replacement well is within 1,000 feet of the same property boundary; is installed in the same interval; it has the same pumping rate as the well it replaced and is used for the same purpose; the well it has replaced was or will be plugged and abandoned within 30 days of this submittal. Well Use:

I verify the above information is correct (well owner signature)

4) Domestic Well

2. OWNER INFORMATION

Owner's Name (Company's Name if Owner):

Contact Name (Print):

Mailing Address:

City: State: Zip Code:

Phone # () - Fax # () -

Email Address:

3. DRILLER INFORMATION

LDOTD License # WWC

Company Name:

Contact Name (Print):

Phone # () - Fax # () -

Email Address:

4. WELL LOCATION

Parish:

Latitude:

Longitude:

5. WELL CONSTRUCTION DETAILS

Casing Diameter (Inches):

Screen Diameter (Inches):

Screen Top Depth (Feet):

Screen Bottom Depth (Feet):

Owner's Well Name (if any):

6. WELL VALUATION

Pumping Capacity (GPM):

No. of Days Per Year:

7. COMPLETION DATE or ESTIMATED COMPLETION DATE:

DATE:

I hereby certify that the information provided herein is true and accurate.

OWNER or AUTHORIZED AGENT'S SIGNATURE:

PRINT NAME: DATE:

Mail to: Louisiana Office of Conservation
Environmental Division
Ground Water Resources
P.O. Box 94275
Baton Rouge, LA 70804-9275
Web: <http://dnr.louisiana.gov/gwater>
Email: gwater@la.gov
Phone: (225) 342-8344 Fax: (225) 342-5529

1. Water Well Notification Review

a. DNR Well Registration Violations

14 Notices of Violation Issued

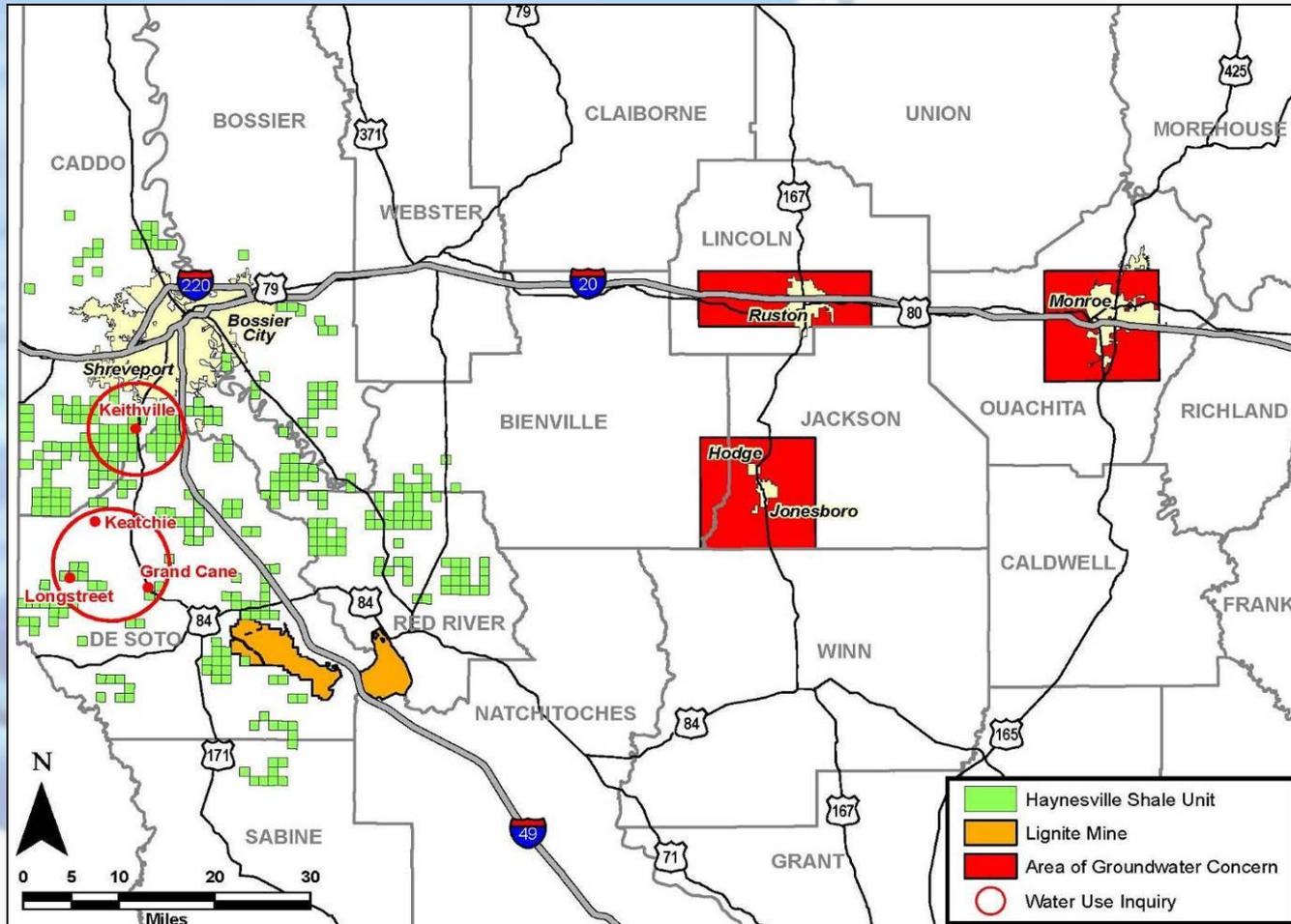
1 Compliance Order Issued

2. Complaint Investigation

a. 2 Notices of Violation Issued



Haynesville Shale Update



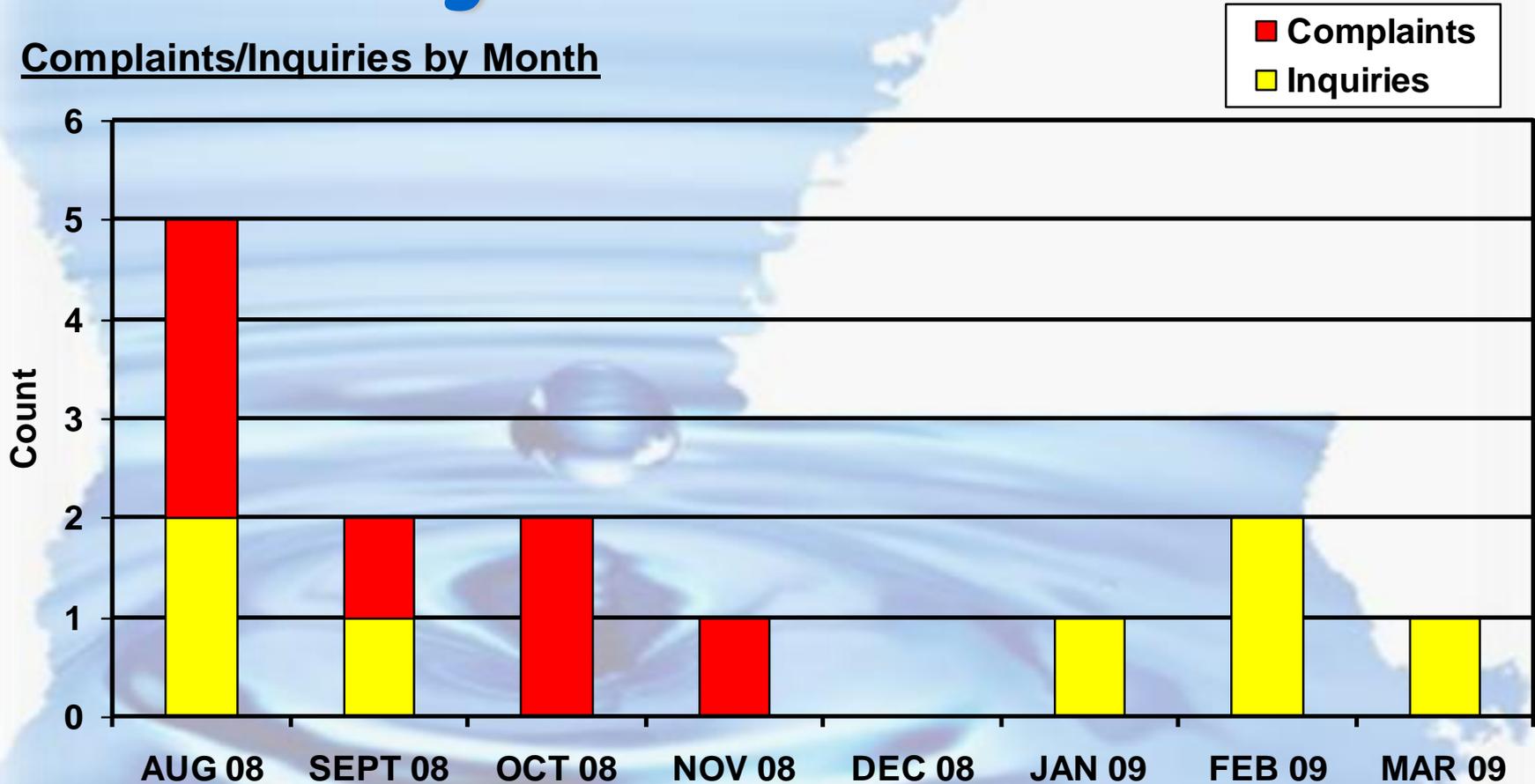
Haynesville Shale Agency Action

- August 6, 2008 (August 21, 2008) - Drilling Rig Supply / Frac Water Supply Well Memo Issued to Operators**
- August 14, 2008 - Caddo Parish Commission Meeting on Carrizo – Wilcox aquifer
- On August 15, 2008 - ACT 581 of 2008 Effective
- August 28, 2008 - Chesapeake Keithville Wells Notice of Violation Issued
- September 2008 -USGS Haynesville Shale Water Level Data DNR GIS Database Entry
- September 17, 2008 -Keatchie Water Systems, Inc. Notice of Violation Issued
- September 18, 2008 - Compliance Order No. ENV 2008-GW001 Issued to Chesapeake
- October 2008 - Environmental Division Develops / Implements Complaint Tracking Database
- October 16, 2008 - Ground Water Resources Water Well Notification Form / Instruction Revised
- October 16, 2008 - Ground Water Use Advisory Posted for Carrizo – Wilcox Aquifer**
- November 2008 - Ongoing Haynesville Shale Operator Compliance Audit / Enforcement Action Initiated
- November 2008 - Haynesville Shale Operator Water Use Phone Survey Began
- November 2008 - Sparta Aquifer Water Production Reporting Compliance Audit & QA/QC
- November 17, 2008- Environmental Division O&G E&P Operator Single Point of Contact Established
- November 20, 2008 - Proposed Ground Water Management Requirements (LAC 43:VI) Published
- December 1, 2008 - DNR / DOTD Secretaries, Commissioner and Agency Staff Meet
- December 29, 2008 - Public Hearing on Proposed Ground Water Management Requirements Amendment
- January 12, 2009 - Ground Water Use Public Awareness Notification Issued**
- January 19, 2009 - Bossier, Caddo, DeSoto & R.River Parish Water Well Owner Registration Compliance Audit Initiated**
- February 2009 - DNR Haynesville Shale Operator Water Use Phone Survey Complete
- February 20, 2009 - Ground Water Management Requirements (LAC 43:VI) Finalized and Published in Register



Haynesville Shale

Complaints/Inquiries by Month

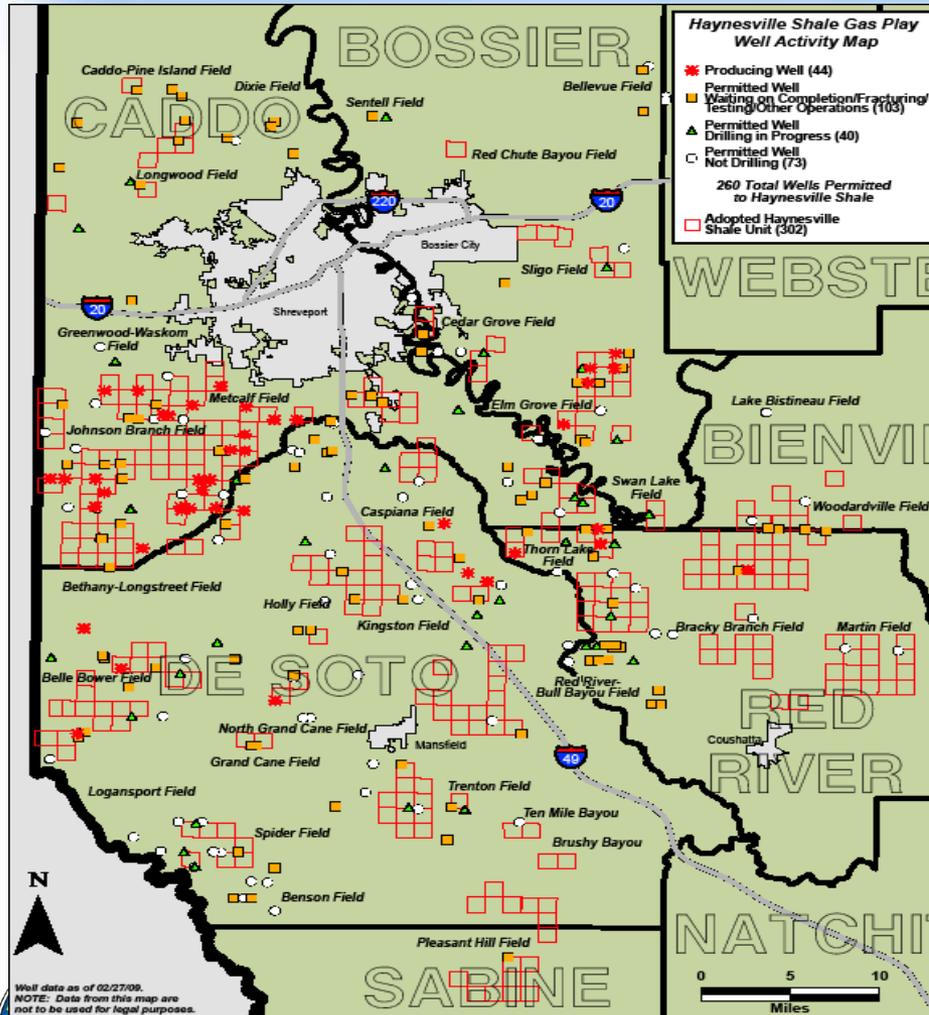


Ground Water Complaint / Inquiry Tracking

- Declining Trend Since August 08
- No Complaints Received in 09



Haynesville Shale Water Use Drilling and Completion Activities



- Office of Conservation Operator Water Use Phone Survey
 - 26 Operators
 - 10 Ground Water Sources
 - 3 Surface Water Sources
 - 9 Multiple Water Source
 - 3 TBD or Unknown
- LA Oil and Gas Association
 - Water Use Assessment
 - Tentative March 2009

Haynesville Shale Public Awareness Notification


State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF CONSERVATION

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SCOTT A. ANGELLE
SECRETARY

JAMES H. WELSH
COMMISSIONER OF CONSERVATION

MEMORANDUM

From: James H. Welsh
Commissioner of Conservation 

Date: **January 12, 2009**

Subject: **Ground Water Use Public Awareness Notification**

Recently, the Office of Conservation has received several public inquiries and complaints of domestic water well owners providing or selling ground water from their water wells screened in the Carrizo – Wilcox aquifer to oil and gas exploration and production (E&P) operators conducting drilling, completion and stimulation operations in the Haynesville Shale formation.

Statutory law and regulations governing water well and ground water management for the State of Louisiana are within the jurisdiction of the Department of Transportation and Development (DOTD) and the Office of Conservation (Conservation). Conservation hereby provides this public awareness notice as an outreach and educational forum to advise water well owners that providing and selling ground water produced from domestic water wells to E&P operators for oil and gas drilling, completion or stimulation operations may be a violation of state law and regulations, including those found at La. R.S. 38:2091-38:3098.8, LAC 56:Part I (Water Wells), La. R.S. 38:3097.1, et seq., LAC 43:VI.Subpart 1 (Ground Water Management). Water well owners found to have violated these state laws and regulations may be subject to agency enforcement actions, including assessment of civil penalties.

The Commissioner of Conservation encourages any water well owners, E&P operators, or other interested parties to contact our agency staff at 225-342-8244 with any questions regarding this matter.

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A Division of Conservation, Louisiana

1. Fall / Winter 2008

- a. Complaints / Inquiries Received
- b. 2 Field Investigations Conducted

2. January 12, 2009

- a. Public Awareness Notice Distributed to Northwest Louisiana Local and State Authorities
- b. 2 Inquiries Received To Date



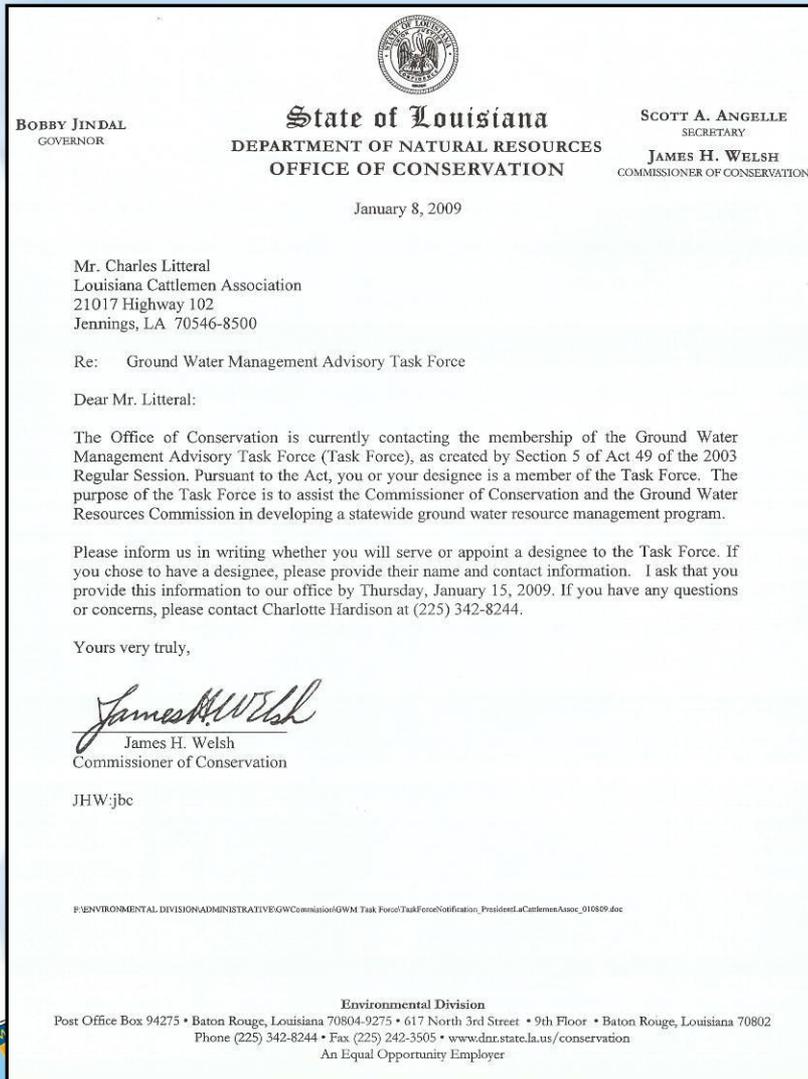
Haynesville Shale Summary

Office of Conservation Continued Plan of Action:

1. Complete Area Water Well Registration Compliance Audits
2. Issue Enforcement Actions As Deemed Necessary
3. Provide Prompt Responses to Complaints / Inquiries
4. Track Complaints / Inquiries and Assess Trends
5. Conduct Field Investigations As Deemed Necessary
6. Work With Other Local, State and Federal Authorities



Task Force Update



- **Membership Affirmation Requests**
 - **44 of 49 Organizations Provided Written Responses**
 - **Phone Contact for 5 Remaining Organizations**



Ground Water Proposed Rule Amendment - Update

Title 43 NATURAL RESOURCES

Part VI. Water Resources Management Subpart 1. Ground Water Management

Chapter 1. General Provisions

§101. Applicability

A. The rules and regulations of this Subpart shall be applicable to the commissioner's jurisdiction regarding:

1. areas of ground water concern;
2. ground water emergencies; and
3. management of the state's ground water resources.

B. The rules shall not alter or change the right of the commissioner to call a hearing for the purpose of taking action with respect to any matter within the commissioner's jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3099 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1584 (July 2002), amended by the Department of Natural Resources, Office of Conservation, LR 30:1212 (June 2004), LR 35:249 (February 2009).

§103. Definitions

A. The words defined herein shall have the following meanings when used in these Rules and Regulations for this Subpart. All other words used and not defined shall have their usual meanings unless specifically defined in Title 38 of the Louisiana Revised Statutes.

Aquifer—a ground water bearing stratum of permeable rock, sand, or gravel.

Area of Ground Water Concern—an area in which, under current usage and normal environmental conditions, sustainability of an aquifer is not being maintained due to either movement of a salt water front, water level decline, or subsidence, resulting in unacceptable environmental, economic, social, or health impacts, or causing a serious adverse impact to an aquifer, considering the areal and temporal extent of all such impacts.

Beneficial Use—the technologically feasible use of ground water for domestic, municipal, industrial, agricultural, recreational, or therapeutic purposes or any other advantageous purpose.

Commission—Ground Water Resources Commission authorized by R.S. 38:3097.4.

Commissioner—Commissioner of Conservation.

Critical Area of Ground Water Concern—an area of ground water concern, in which the commissioner finds that

the sustainability of the aquifer cannot be maintained without withdrawal restrictions.

Critical Ground Water Area—an area in which, under current usage and normal environmental conditions, sustainability of an aquifer is not being maintained due to either movement of a salt water front or water level decline, or subsidence, resulting in unacceptable environmental, economic, social, or health impacts, or causing a serious adverse impact to an aquifer, considering the areal and temporal extent of all such impacts.

Domestic Well—a well used exclusively to supply the household needs of the owner lessee or his family. Uses may include drinking, cooking, washing, sanitary purposes, lawn and garden watering and caring for pets. *Domestic wells* shall also include wells used on private farms and ranches for the feeding and caring of pets and watering of lawns, excluding livestock, crops, and ponds.

Drilling Rig Supply Well—a water well used only for the duration of the oil and gas drilling operation at the drilling location where sited for the immediate needs of drilling rig operations.

Ground Water—water suitable for any beneficial purpose percolating below the earth's surface which contains less than 10,000 mg/l total dissolved solids, including water suitable for domestic use or supply for a domestic water system.

Ground Water Emergency—an unanticipated occurrence as a result of a natural force or a man-made act which causes a ground water source to become immediately unavailable for beneficial use for the foreseeable future or drought conditions determined by the commissioner to warrant the temporary use of drought relief wells to assure the sustained production of agricultural products in the state.

Large Volume Well—a well with an 8 inch or greater diameter screen size or a well that by itself or used in conjunction with another well or group of wells on the same lease or within the same unit and screened in the same aquifer for the purposes of providing ground water for hydraulic fracturing for natural gas production and that alone or in conjunction with the other well or wells is determined by the Office of Conservation to be capable of producing 1,500 gallons per minute.

Owner—the person registered as owner of a water well with the Office of Conservation, and if there is none registered for a specific well or proposed well then the owner shall be one of the following: the legal owner of the property on which the well or hole is located, a person

1. Public Hearing
December 29, 2008
2. Comment Period
January 5, 2009
3. Final Rule Notice
Interested Parties / Legislature
4. Final Rule Publication
February 20, 2009

Louisiana Administrative Code

February 2009



Drought Relief Water Well Notification Guidance Statement

- 1. Establishes Statewide Drought Relief Water Well Notification Policy by Order of the Commissioner**
 - a. Agricultural Water Well Owners
 - b. Effective February 20, 2009

- 2. Commissioner's Order**
 - a. Conditionally & Temporarily Exempts Prior Notification during Drought Conditions
 - b. Requires Notification Within 60 Days After Installation
 - c. Requires Post Drought Well Status Update
 - d. Requires Post Drought - Prior Use Evaluation



Education / Outreach

BOBBY JINDAL
GOVERNOR



SCOTT A. ANGELLE
SECRETARY

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE SECRETARY

MEMORANDUM

TO: Louisiana Water Well Drillers

FROM: Scott A. Angelle
Secretary 

DATE: February 4, 2009

RE: Request for Assistance
Office of Conservation Water Well Notification Form (Form GWR-01)
Ground Water Resources Program

The purpose of this letter is first to thank you for all the great work the water well drillers are doing in Louisiana and secondly to respectfully request your assistance in helping Louisiana more comprehensively manage its groundwater resources.

As the state continues in its efforts to monitor and manage ground water use, we have found that, while the people working in your industry are knowledgeable and responsive to state laws on reporting water well drilling activity, the clients you serve are often not as familiar with their reporting requirements. That situation can make more difficult the state's task of managing a vital natural resource.

Although not your responsibility, in your role as a licensed water well driller, we have great confidence that a friendly reminder to your clients will help them comply with the state law that requires their timely completion and submission of water well installation notification forms to the Office of Conservation.

While some water well owners are already doing this, many are not. We believe you are in a great position to help us spread the word. All of us share the common goal of responsible management of our natural resources and your leadership on this issue will help us to build a better Louisiana.

Enclosed herewith is a copy of the latest revision to the Office of Conservation Water Well Notification Form with instructions and a copy of the applicable regulations under LAC 43:VI.Subpart 1.Chapters 1 – 7. Additional copies of Form GWR-01 or regulations may be obtained by visiting our web site at <http://dnr.louisiana.gov/CONS/gwater/gwrd-law-rules-forms.htm> or by contacting our office.

If you have any questions, you may contact Gary Snellgrove at 225-342-7222, by email at gary.snellgrove@la.gov or by fax at 225-242-3505.

SAA:JHW:gs
Enclosures

Post Office Box 94396 • Baton Rouge, Louisiana 70804-9396
617 North Third Street • 12th Floor • Suite 1240 • Baton Rouge, Louisiana 70802
(225) 342-2710 • Fax (225) 342-5861 • <http://www.dnr.state.la.us>
An Equal Opportunity Employer

1. DNR Water Well Driller Assistance Request

a. 375 DOTD Certified Water Well Drillers

2. Organization Outreach

a. LA Municipal Association

b. Rural Water Association

c. Police Jury Association



Questions?

